

REMARKS

The Office Action mailed 20 October 2009, has been received and its contents carefully noted. The pending claims, claims 12, 14-18, 20, 24-28 and 31-35, were rejected. By this Response, claims 1, 12, 13, 27 and 35 have been amended. Support may be found in the specification and the claims as originally filed. See, for example, paragraph [0032] of the published application. No statutory new matter has been added. Therefore, reconsideration and entry of the claims, as amended, are respectfully requested.

Rejections under 35 U.S.C. 112, second paragraph

The Examiner rejected claims 12, 14-18, 20, 24-28 and 31-35 under 35 U.S.C. 112, second paragraph, as being indefinite.

Applicants respectfully submit that the claims, as amended, are clear and definite. In particular, the term “styol” has been corrected to be --styrol--, instances of “nature” have been deleted, the phrases “the choice of desired to have” and “the other radicals ... as above” have been canceled, and the term --and-- has been inserted to make clear that for pressures ranging from 0.100 bar to 80 bar, the conversion of the monomer varies from 10 to 100%.

Additionally, claim 27 has been amended to indicate that the impact modifier is a “second” impact modifier in order to make clear that it is not the block copolymer itself.

Applicants respectfully submit that the term “average molar mass” in claim 35 is clear and definite and is understood by those skilled in the art to indicate the average number molecular weight in view of the specification (see, for example, paragraphs [0010] and [0011] of the published application).

Therefore, Applicants respectfully urge that the claims, as amended, are clear and definite and the rejection under 35 U.S.C. 112, second paragraph, should be withdrawn.

In the event that the Examiner still believes that the claims are not clear, Applicants respectfully request that the Examiner suggest suitable claim amendments.

Rejections under 35 U.S.C. 103

The Examiner rejected claims 12, 14-18, 20, 24-28 and 32-35 under 35 U.S.C. 103(a) as being unpatentable over Guerret (WO 00/71501) in view of Fisher (US 6,239,226) and Coran (US 4,473,683) and optionally Datta (US 4,999,683). The Examiner rejected claims 16 and 31 as being unpatentable over Guerret in view of Fischer and Coran and optionally Datta and optionally in view of Pourallmady (EP 0947527). Last, the Examiner rejected claim 20 as being unpatentable over Guerret in view of Fischer and Coran and optionally Datta and further in view of Billovitis (WO 98/52978).

Applicants respectfully submit that the cited documents do not teach or suggest selecting the relative lengths of the first block B and the block A such that $n \cdot \text{Mn(A)} / (n \cdot \text{Mn(A)} + \text{Mn(B)})$ is between 0.5 and 0.95 or Mn(B) is greater than or equal to the mean entanglement length of the first block B.

With respect to claim 35, Applicants respectfully submit that the cited documents do not teach or suggest a process wherein A represents from 50% to 95% by weight of the total weight of the block copolymer (II) and the average molar mass of A is between 10,000 to 10^6 g/mol.

Therefore, Applicants respectfully urge that the claims, as amended, are unobvious and the rejections under 35 U.S.C. 103(a) should be withdrawn.

Request for Interview

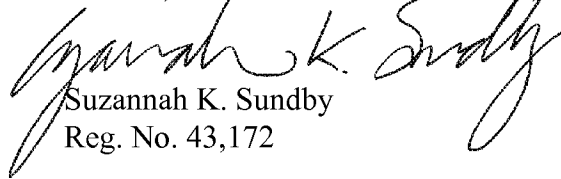
Prior to issuing a further action, Applicants respectfully request that the Examiner contact the undersigned to arrange either a telephonic or an in-person interview.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300, Attorney Docket No. 033808.197.**

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP



Suzannah K. Sundby
Reg. No. 43,172

Date: 20 January 2010

1130 Connecticut Ave., NW, #1130
Washington, D.C. 20036
Telephone: (202) 263-4332
Facsimile: (202) 263-4352